

City Council Agenda

Council President
Steve Brandau

Councilmembers

Oliver L. Baines III – Acting President
Lee Brand
Paul Caprioglio

Clinton J. Olivier
Sal Quintero
Blong Xiong

City Manager
Bruce Rudd

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 9, 2014

8:30 A.M. ROLL CALL

Invocation by Bert Mello of St. Anthony of Padua Catholic Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Olivier

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [December 12](#) and [19, 2013](#)

Action Taken:

Approve Successor Agency and Fresno Revitalization Corporation minutes of [December 12](#) and [19, 2013](#)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Election of Council President and Acting Council President

Action Taken:

Election of Successor Agency Chair and Vice Chair

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. [Actions pertaining to Law Enforcement Services Account – Police Department](#)

1. Approve the amended spending plan for the fiscal year 2012-2013 State of California Supplemental Law Enforcement Services Account (SLESA)

Action Taken:

2. * **RESOLUTION** – 25th amendment to the Annual Appropriations Resolution (AAR) appropriating \$313,200 for frontline law enforcement operations into the fiscal year 2014 budget **(Requires 5 affirmative votes)**

Action Taken:

B. [Actions pertaining to Anti-human Trafficking Program Task Force Project – Police Department](#)

1. Authorize the acceptance of the grant augmentation from the California Office of Emergency Services (CALOES) for the Anti-human Trafficking Task Force Project

Action Taken:

2. * **RESOLUTION** - 28th amendment to the Annual Appropriation Resolution (AAR) appropriating \$195,800 for the anti-human trafficking program into the fiscal year 2014 budget **(Requires 5 affirmative votes)**

Action Taken:

3. Authorize the Chief of Police to enter into and execute the grant agreement, the Agency Memorandum of Understanding (MOU) addendums and all required program documents

Action Taken:

C. [Approve an agreement with BKF Engineers in the amount of \\$71,584 and a contingency of \\$15,000 to provide professional engineering services for the Herndon Avenue widening between Polk and Millburn Avenues \(**Property located in District 2**\) – Public Works Department](#)

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- D. Actions pertaining to the Herndon Multi-Purpose Trail between Valentine and Marks Avenues project *(Property located in District 2)* – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(C) (Existing Facilities) of the CEQA Guidelines for the Herndon Multi-Purpose Trail between Valentine and Marks Avenues
Action Taken:
 2. Award a construction contract with Jim Crawford Construction of Clovis, California in the amount of \$259,613.47 for the Herndon Multi-Purpose Trail between Valentine and Marks Avenues Project and authorize the Public Works Director, or designee, to sign the City's standardized contract on the City's behalf
Action Taken:
- E. Approve an agreement with O'Dell Engineering in the amount of \$63,900 and a contingency of \$20,000 to provide design services for the construction of the Cultural Arts District (CAD) Park at the northwest corner of Fulton Street and Calaveras Street *(Property located in District 3)* – Public Works Department
Action Taken:
- F. Approve a substitution of a listed subcontractor MDR Inc. pertaining to the lighting upgrades of softball fields located at Quigley and Einstein Parks *(Property located in Districts 1 and 7)* – Public Works Department
Action Taken:
- G. Approve a substitution of a listed subcontractor pertaining to Fluid Resource Management for the sewer replacement and rehabilitation in Ashlan Avenue *(Property located in Districts 1 and 7)* – Public Works Department
Action Taken:
- H. **RESOLUTION** - Authorizing submittal of an application to State of California Department of Housing and Community Development and acceptance of 2013 housing-related parks program funding and execution of necessary program documents *(Property located in Districts 3, 5 & 7)* – PARCS
Action Taken:
- I. Submission for informational purposes the Comprehensive Annual Financial Reports (CAFR) regarding the financial activities of the City of Fresno Retirement Systems for the fiscal year ending June 30, 2013 – Retirement Offices
Action Taken:
- J. * Adopt Ordinance Bill repealing and reenacting Sections 11-101 through 11-109 of Article 1, Chapter 11 of the Fresno Municipal Code relating to the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes – Development and Resource Management Department
Action Taken:
1. Adopt a finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2013 California Building Standards Code or amendments may have a significant adverse effect on the environment
Action Taken:
 2. * **BILL NO. B-39 (Intro. 12/19/13) (For adoption)** - Adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Mechanical Code reasonably necessary, repealing Article 1, Chapter 11, Sections 11-101 through 11-109 and adding Article 1, Chapter 11, Sections 11-101 through 11-109 of the Fresno Municipal Code to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- K. Adopt Ordinance Bill repealing and reenacting Article 10 ("Fire Prevention") of Chapter 5 of the Fresno Municipal Code relating to fire and life safety regulations and associated Resolution of express findings – Fire Department

Action Taken:

1. Adopt a finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2010 California Fire Code or amendments may have a significant adverse effect on the environment

Action Taken:

2. * **RESOLUTION** - Making and adopting express findings that modifications or changes to the 2010 California Fire Code are reasonably necessary because of local climatic, geological, or topographical conditions

Action Taken:

3. * **BILL NO. B-40 - (Intro. 12/19/13) (For adoption)** - Incorporating and adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Mechanical Code reasonably necessary, repealing Article 10 of Chapter 5, and adding Article 10 to Chapter 5 of the Fresno Municipal Code relating to fire and life safety regulations

Action Taken:

- L. * **BILL NO. B-41 – (Intro. 12/19/2013) (For adoption)** - Amending Section 2-1105 of the Fresno Municipal Code revising Subsections (a) and (b) and adding Subsection (d) relating to contribution limits and filing methods – City Clerk's Office

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - Approving the City of Fresno Investment Policy for Fiscal Year 2013-2014 – Finance Department

Action Taken:

- B. Award a construction contract to American Paving Company in the amount of \$2,331,000 for the Martin Ray Reilly Park (*Property located in District 7*) – Public Works Department

Action Taken:

3. **CITY COUNCIL**

- A. * **RESOLUTION** – Amending the Council Residency Act to allow incumbent Councilmembers who have not relocated to verify residency by sworn affidavit – Councilmember Xiong

Action Taken:

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (d)(1)

1. Chris Willis, et al. v. City of Fresno, et al.; United States District Court Case No.: 09-CV-01766-LJO-DLB
2. County of Madera, a California General Law County v. City of Fresno, a California Charter City; Fresno City Council, a legislative body and DOES 1-20, inclusive (The John Allen Company, LLC., a California Limited Liability Company, and DOES 21-100, inclusive, Real Parties in Interest); Fresno Superior Court No. 13CECG00807

Action Taken:

4. **CLOSED SESSION CONTINUED**

B. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION -

Government Code Section 54956.9, Subdivision (d)(4)

1. City of Fresno v. B1-66ER, LLC

Action Taken:

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: Northeast corner of Blackstone and Shields

Negotiating Parties: City Manager Bruce Rudd

Under Negotiation: Price/terms of payment

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **HEARING** to consider Rezone Application No. R-07-014 and related environmental findings, filed by Lennar Communities, for the property located on the southwest corner of N. Temperance and E. Dakota Avenues **(Property located in District 4)** – Development and Resource Management Department

Action Taken:

a. Consider and adopt the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND prepared for Environmental Assessment No. R-07-014/T-5571

Action Taken:

b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-A/UGM (Single Family Residential-Agricultural District/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential District/Urban Growth Management) zone district

Action Taken:

10:15 A.M. Adopt City of Fresno Design Guidelines for the California High Speed Rail Project **(Property located in Districts 1, 2 & 3)** – Public Works Department

Action Taken:

SCHEDULED COMMUNICATION –

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan. 16 -	2:00 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annex 52 (Final Tract Map No. 6028) (Property located in District 4) (West side of N. Armstrong Avenue between E. Ashlan and D Avenues)
Jan. 16 -	2:15 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CFD No. 2, Annex 136 (Final Tract Maps No. 5567 and 5770) (east side of N. Polk Avenue between W. Shields and Clinton Avenues)
Jan. 30 -	10:00 A.M.	CONTINUED PUBLIC HEARING to consider increasing water connection fees (Citywide) – Department of Public Utilities
Jan. 30 -	10:30 A.M.	HEARING to form Underground Utility District FRE – 93 along Nees Avenue between Maple Avenue and Hayston Avenue

UPCOMING EMPLOYEE CEREMONIES

Jan. 30 - 8:30 a.m. Employee of the Winter Quarter (*Reception immediately following – 2nd floor foyer*)
Apr. 9 - (Weds) 2:00 p.m. Presentation of Employee Service Awards (*Reception immediately following – 2nd floor foyer*)
Apr. 24 - 8:30 a.m. Employee of the Spring Quarter (*Reception immediately following – 2nd floor foyer*)
July 31 - 8:30 a.m. Employee of the Summer Quarter (*Reception immediately following – 2nd floor foyer*)
Oct. 2 - 8:30 a.m. Employee of the Fall Quarter (*Reception immediately following – 2nd floor foyer*)
Oct. 22 - (Weds) 2:00 p.m. Presentation of Employee Service Awards (*Reception immediately following – 2nd floor foyer*)